

IN THE MATTER OF: )  
 )  
TENTH STREET MONEY STORE, )  
a partnership, and ELOUISE DENEND )  
and DAVID R. DENEND, individually )

The Commissioner of the Tennessee Department of Financial Institutions (the “Commissioner”), having determined that he has reason to believe that Tenth Street Money Store, a Tennessee general partnership, and Elouise Denend and David R. Denend, individually and/or as the sole partners of Tenth Street Money Store (hereinafter collectively referred to as the “Respondents”), have violated and are violating the Tennessee Title Pledge Act, Tenn. Code Ann. §§ 45-15-101, *et seq.* (the “Act”), and that circumstances warrant immediate action, hereby issues the following EMERGENCY CEASE AND DESIST ORDER pursuant to Tenn. Code Ann. §§ 45-15-118(a)(1) and (b)(3).

Pursuant to Tenn. Code Ann. § 45-1-104, the Tennessee Department of Financial Institutions (the “Department”) is charged with the execution of all laws relative to persons doing or engaged in a banking or other business as provided in Title 45 of the Tennessee Code, except for pawnbrokers covered by Chapter 6 of Title 45.

Tenn. Code Ann. § 45-15-118(a)(1) provides in pertinent part that if, after notice and opportunity for a hearing, the Commissioner finds that a person has violated the Act,

the Commissioner may order any person to cease and desist violating the Act. Pursuant to Tenn. Code Ann. §§ 45-15-118(b)(3), in cases involving extraordinary circumstances the Commissioner may take any enforcement action authorized by the Act without providing the opportunity for a prior hearing, but shall promptly afford a subsequent hearing upon an application to rescind the action taken that is filed within twenty (20) days after receipt of the notice of the Commissioner's emergency action.

## II. FACTUAL ALLEGATIONS

1. The Department obtained information on or about May 16, 2007, indicating that the Respondents have been engaging in the business of title pledge lending within the meaning of the Act.

2. On May 16, 2006, Stephen Henley, a Director of Licensing for the Department's Compliance Division, sent a letter to Ms. Denend and Tenth Street Money Store in which Mr. Henley advised Ms. Denend and Tenth Street Money Store that it had come to the Department's attention that the Respondents had been engaging in activities subject to the Act without first having obtained a license from the Department, which was in violation of the Act. Mr. Henley suggested in the letter certain corrective measures that might be taken, and requested that the Respondents cease engaging in the business of title pledge lending.

3. On May 21, 2007, Bart Daughdrill and Robert Hornbeak, examiners employed by the Commissioner in accordance with Tenn. Code Ann. § 45-1-116, conducted an on-site examination of the Respondents pursuant to Tenn. Code Ann. § 45-15-108(c). The examination was conducted at the Respondents' place of business, 231 Tenth Street, Clarksville, Montgomery County, Tennessee.

4. Based upon discussions with the Respondents during the course of the examination, and based upon a review of the Respondents' books and records, Messrs. Daughdrill and Hornbeak made the determination that the Respondents have been and are currently engaged in the business of title pledge lending, for which they receive monetary compensation.

5. Tenn. Code Ann. § 45-15-105(a) provides in pertinent part that no person shall engage in the business of title pledge lending without having first obtained a license, and that any person engaged in the business of title pledge lending on November 1, 2005, under a license issued by the county clerk may continue to engage in the business without a license issued by the Commissioner, until the Commissioner has acted upon the application for a license, if the application is filed by December 31, 2005.

6. None of the Respondents has obtained, nor has any of the Respondents made application for, a license from the Department to engage in the business of title pledge lending.

7. The likelihood exists that persons dealing with the Respondents' unlicensed title pledge business may suffer irreparable harm, in that, for example, the Respondents have no known security device to secure the faithful performance of the Respondents with respect to the business of title pledge lending.

### III. CHARGES

Having considered the factual allegations, the Commissioner has determined that Tenth Street Money Store, and Elouise Denend and David R. Denend, individually and/or as the sole partners of Tenth Street Money Store, have violated and are violating Tenn.

Code Ann. § 45-15-105(a) by engaging in the business of title pledge lending without a license, and that circumstances warrant immediate action.

#### IV. EMERGENCY ORDER

IT IS HEREBY ORDERED that Tenth Street Money Story, and Elouise Denend and David R. Denend, individually and/or as the sole partners of Tenth Street Money Store, as well as any persons participating with them, shall immediately cease and desist from engaging in the business of title pledge lending, including but not limited to the collection of any money, including principal, interest and other fees, and the repossession of any titled personal property.

The provisions of this ORDER shall remain in full force and effect unless and until such time as any provision shall have been modified, terminated, suspended or set aside by the Commissioner, an administrative judge, or any court having jurisdiction over the matters addressed herein.

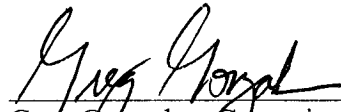
#### V. RIGHTS OF THE RESPONDENTS

The Respondents have the right to a hearing for the purpose of contesting and obtaining rescission of this ORDER. If a separate hearing is timely requested by the Respondents, any such hearing shall be conducted in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101, *et seq.*, and Chapter 0180-6 of the Rules of the Department.

In order to request a hearing, the Respondents must file a written application to rescind this ORDER within twenty (20) days after receipt of this ORDER. If no such written application is timely filed, then this EMERGENCY CEASE AND DESIST ORDER will be deemed final for all purposes. Any written application to rescind this

ORDER should be addressed to the Commissioner, and may be filed by delivery to the Tennessee Department of Financial Institutions, Nashville City Center, 511 Union Street, 4<sup>th</sup> Floor, Nashville, TN 37219. Delivery may be made in person or in any other manner, including mail, so long as it is actually received by the Department within twenty (20) days after receipt of this ORDER.

ISSUED this 22<sup>nd</sup> day of May, 2007.

  
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Greg Gonzales, Commissioner  
Tenn. Dept. of Financial Institutions

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing Emergency Cease and Desist Order have been served on Tenth Street Money Store, Elouise Denend and David R. Denend, 231 Tenth Street, Clarksville, Tennessee, by hand delivery, this 22<sup>nd</sup> day of May, 2007.

  
\_\_\_\_\_  
Name (signed)

Robert T Hornbark  
\_\_\_\_\_  
Name (printed)

Nashville City Center  
\_\_\_\_\_  
Address  
511 Union Street - 4<sup>th</sup> Floor  
Nashville, TN 37219